

defense against the demand of his client that he would be permitted in any action against him for money so collected."

The committee asked the adoption of said amendments, and to be discharged from the further consideration of the bill.

On motion of Senator McLeary, the report of the committee was adopted and bill ordered to be engrossed by the following vote:

YEAS—Senators Ball, Blassingame, Brown, Burton, Carroll, Crain, Douglass, Edwards, Francis, Ford, Grace, Guy, Henry J. R., Henry F. M., Hobby, Ledbetter, McLeary, McCormick, McCulloch, Martin, Motley, Piner, Ripetoe, Storey, Terrell, Thompson—26.

NAYS—Senators Brady, Stephens—2.

On motion of Senator Terrell, 100 copies of Senate Bill 109, "An Act to regulate juries in civil cases," were ordered to be printed; and that the bill be made the special order for Monday next, May 16, at 11 o'clock A. M.

On motion of Senator McCulloch, the Senate adjourned until 10 o'clock A. M., to-morrow.

NINETEENTH DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, May 10, 1876. }

Senate met pursuant to adjournment. Roll called. Quorum present. Prayer by the Chaplain.

Journal of yesterday read and adopted.

Senator Hobby presented the memorial of several citizens of Titus county, "asking an amendment to the jury law."

Read and referred to Judiciary Committee No. 1.

Senator Ford presented the petition of many citizens of Hidalgo county, "praying that the dividing line between Hidalgo and Starr counties be changed from where it was established in 1870 to where it was originally run in 1852."

Read and referred to Committee on Counties and County Boundaries.

Senator Stephens, Chairman of Committee on Engrossed Bills, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Engrossed Bills beg leave to report that they have carefully examined and compared the following Senate Bills, to-wit: Senate Bill No. 68, "An Act to amend Section 48 of an act to organize Justices' Courts and to define the power and jurisdiction of the same," passed March 20, 1848; and Senate Bill No. 89, "An Act prescribing certain requirements in, and the effect to be given to deeds made by Sheriffs and other officers under sales made by virtue of Executions issued on judgments rendered by Justices of the Peace and Mayors of towns and cities;" and find them correctly engrossed.

STEPHENS, *Chairman.*

Senator Blassingame, Chairman of Committee on Roads, Bridges and Ferries, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Roads, Bridges and Ferries, to whom was referred Senate Bill No. 1, entitled, "An Act to suspend the collection of the road-

tax," have had the same under consideration, and instruct me to report the same back to the Senate and recommend its passage.

BLASSINGAME, *Chairman*.

Senator Piner, Chairman of Committee on Judiciary No. 2, submitted the following reports:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Judiciary No. 2, to whom was referred Senate Bill No. 38, to be entitled, "An Act to prevent a multiplicity of suits," have had the same under consideration, and beg leave to report the same favorably with an amendment as follows: Strike out Section 2, and, as amended, recommend that the same do pass.

PINER, *Chairman*.

Hon. R. B. Hubbard, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate Bill No. 110, to be entitled, "An Act to regulate the compensation of jurors in certain cases," have had the same under consideration, and beg leave to report favorably on the same, and recommend that it do pass.

PINER, *Chairman*.

Hon. R. B. Hubbard, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate Bill No. 12, entitled, "An Act for the relief and support of the poor," have had the same under consideration, and beg leave to return the same and ask that it be referred to Committee on State Affairs.

PINER, *Chairman*.

Report adopted.

Hon. R. B. Hubbard, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate Bill No. 23, to be entitled, "An Act to regulate the appointment and define the duties of Notaries Public," have had the same under consideration, and beg leave to report favorably thereon, and recommend that it do pass.

PINER, *Chairman*.

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Judiciary No. 2, to whom was referred Senate Bill No. 111, entitled, "An Act to amend an act entitled, 'An Act to adopt and establish a penal code for the State of Texas,'" approved August 28, 1856, have had the same under consideration, and beg leave to report the same favorably, and recommend that the same do pass.

PINER, *Chairman*.

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Judiciary No. 2, to whom was referred Senate Bill No. 21, entitled, "An Act to regulate and define the manner in which sales of land and personal property shall be advertised, under execution or order of sale, by Sheriffs, Constables or other officers," have had the same under consideration, and beg leave to report the same favorably, with the following amendments, and recommend that the same, as amended, do pass:

Amend Senate Bill No. 21 by adding, to Section 4, "In case the defendant shall fail or refuse to designate a newspaper in which the advertisement shall be published, then the Sheriff shall select the newspaper

in which to publish the same; and if, after a newspaper has been selected by the defendant, said paper and all other papers published in the county shall refuse to publish it at the rates herein provided for, then the Sheriff shall advertise the land to be sold, by posting notices as provided for in Section 5 of this act. Further amend by striking out all after the word, "sold," in Section 5.

PINER, *Chairman.*

Senator Blassingame, Chairman of Committee on Roads, Bridges and Ferries, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Roads, Bridges and Ferries, to whom was referred Senate Bill No. 84, have had the same under consideration, and recommend that it do pass, with the accompanying amendments:

Substitute "County Commissioners' Court" for "County Court," wherever it occurs in the bill.

In line three of Section 4, strike out, "householders," and substitute, "freeholders."

In line two of Article 5, strike out, "householders," and insert, "freeholders."

In line twenty-two in Section 11, fill blank with "county," and in the twenty-third line of the same section, fill blank with "county."

In the thirty-fifth line, before "attorney," insert "county," and in the thirty-sixth line, before the word, "court," insert "county."

In the next to the last line of Section 12, strike out, "nor Chief Justices."

In Section 14, line 9, after "direct," insert, "and if said persons have not such tools, the County Commissioners' Court shall provide them."

In line 3, of Section 17, insert after the word, "timber," "and rock."

In Section 19, line 21, strike out, "district," and insert, "county," before the word, "court."

For Section 20 of the bill, substitute the following:

"If any person shall deface or pull down any mile post or index board, he shall be guilty of a misdemeanor, and upon conviction therefor before any Justice of the Peace for said county, he shall be fined in a sum not less than ten dollars, and all costs of prosecution for each and every such offence; and on his failure to pay such fine and costs, he shall be imprisoned in the jail of the county in which the offense was committed until the whole fine and costs shall be satisfied, as is or may be provided by law."

In Section 21, line 11, strike out, "forfeit and pay," and insert, "be guilty of a misdemeanor, and on conviction before any Justice of the Peace in the county, shall be fined in the sum of three dollars for every day the impediment shall remain in such road." And strike out from "thereof," in line 14, to "provided," in line 17 of same section.

Section 35 shall be substituted with the following:

"All fines and forfeitures collected under this act shall be applied to the building and repairing of roads and bridges, and the purchase of tools and implements for the working and building of the same."

Section 35 shall be section 36 of the bill.

BLASSINGAME, *Chairman.*

On motion of Senator Thompson, 100 copies of the bill and report were ordered printed.

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Roads, Bridges and Ferries, to whom was referred Senate Bill No. 78, entitled, "An Act to authorize the Commissioners' Courts in the several counties of this State to lay out roads, appoint overseers, and apportion hands," have had the same under consideration, and instruct me to report the same back to the Senate, and recommend that it do not pass, because said bill is substantially contained in Senate Bill No. 84, which we think a better bill.

BLASSINGAME, *Chairman.*

Senator Francis, Chairman Committee on State Asylums, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on State Asylums, to whom was referred a resolution providing for the appointment of a select committee of three, "to examine the accounts of the Superintendent of the Lunatic Asylums," have considered the same, and failing to realize the necessity of the appointment of such a committee, have instructed me to report said resolution back with the recommendation that it do not pass.

FRANCIS, *Chairman.*

Senator Brady submitted the following resolution:

Be it enacted by the Senate, the House of Representatives concurring, That a committee composed of two members of the Senate and three of the House be appointed to visit the premises of the Agricultural and Mechanical College of Texas, and carefully examine the buildings, grounds and plans thereof, and to report to the Legislature the condition of the same; and what legislation, if any, is necessary to put said college in successful operation at an early day; and to suggest such changes and improvements as said committees may deem advisable to promote the efficiency of said college; for which purpose said committee is authorized to call on the Directors or other officers or agents of said college for such information as it may deem necessary to facilitate the discharge of the duties herein imposed.

Read and referred to Committee on Education.

Orders of the day were taken up.

Senate Bill No. 16, "An Act to amend Articles 396, 397 and 398 of the penal code," was taken up and read third time.

Senator McLeary offered the following amendment:

Insert "397" in the last paragraph of the bill.

Adopted.

On motion of Senator McCormick, "Dallas" was inserted after "25," in last section.

Senator Edwards offered the following amendment:

Insert after the word, "gaming," in first Section, Article 396, the words, "for money."

Adopted.

The bill was then passed by the following vote:

YEAS—Senators Blassingame, Carroll, Crain, Douglass, Edwards, Francis, Grace, Guy, Henry J. R., Martin, McCulloch, Moore, Motley, Piner, Ripetoe, Smith, Stephens, Storey, Terrell, Thompson—20.

NAYS—Senators Ball, Brady, Brown, Burton, Ford, Henry F. M., Hobby, Ledbetter, McLeary, McCormick, Wortham—11.

Senate Bill No. 22, "An Act to regulate the wearing of arms, with a view to prevent crime," was taken up, report of Committee adopted, and bill lost.

Senate Bill No. 26, "An Act to require the Clerks of the District and County Courts of this State to provide and keep indexes and cross-indexes of the names of the parties to all causes in their courts, and to provide a penalty for their failure to comply with the provisions of this act," was taken up, read third time and passed.

Senate Bill No. 61, "An Act to divide Young Territory into counties, and defining the boundaries thereof, and of certain other counties therein named," was taken up.

Senator McLeary in the chair.

Senator Thompson moved the re-commitment of the bill to the Committee on Counties and County Boundaries, with instructions to strike out the names of those counties named in honor of living persons, and insert in lieu thereof the names of deceased persons.

Lost by the following vote:

YEAS—Senators Blassingame, Brady, Brown, Carroll, Crain, Douglass, Edwards, Francis, Grace, Henry F. M., Hobby, McLeary, Storey, Terrell, Thompson—15.

NAYS—Senators Ball, Burton, Guy, Henry J. R., Ledbetter, Martin, McCormick, McCulloch, Moore, Motley, Piner, Ripetoe, Smith, Stephens, Wortham—15.

The President in the Chair.

Senator Storey moved to strike out "the names of counties named in honor of living men."

Senator Douglass moved that the bill be referred to a select committee of three, with instructions to report the names of all counties in the bill named for living men. Being Senator Storey's amendment, was withdrawn.

Senator Smith moved to reconsider the vote refusing to re-commit.

Carried.

The bill was then re-committed with instructions to strike out the names of counties named in honor of living persons and insert in lieu thereof the names of deceased persons.

Senate Bill No. 51, "An Act to repeal Section 4 of an act entitled, 'An Act to regulate the keeping and bearing of deadly weapons,'" approved April 12, 1871; and Senate Bill No. 83, "An Act to regulate the wearing of arms, with a view to prevent crime," together with the substitute for the same, entitled, "An Act to regulate the keeping and bearing of arms," were taken up and, on motion of Senator McLeary, one hundred copies of the bills, with the reports thereon, were ordered to be printed and made the special order for Tuesday next at 11 o'clock, A. M.

Senate Bill No. 27, entitled, "An Act to authorize the Judges of the District Courts to grant license to practice law on presentation of diploma from law department of any college or university of this State," was taken up with report of the Committee.

Report of Committee adopted and the bill lost.

Senate Bill No. 73, entitled, "An Act to provide for the duties and fees of County Attorneys of the several counties of the State;" Senate Bill No. 86, entitled, "An Act to define the duties of County Attorneys, and regulate the performance of the same;" and Senate Bill No.

74, "An Act to provide for the fees of County Attorneys in the several counties in the State," together with a substitute for all of said bills, entitled, "An Act to define the duties of County Attorneys and regulate the performance of the same," were taken up, with report recommending said substitute and report of the Committee adopted.

On motion of Senator Ford, one hundred copies of the substitute were ordered printed, and the same made the special order for Saturday next, at 11 o'clock, A. M.

Senate Bill No. 88, entitled, "An Act concerning offenses against the public health," with adverse report from Committee, was taken up.

On motion of Senator Edwards, the bill was laid on the table.

A message was received from the House, announcing the passage by that body of Senate Bill No. 108, entitled: "An Act supplemental to 'An Act to provide for the current printing of the Fifteenth Legislature of Texas,'" passed April 28, 1876, with the following amendments:

House amendment: In section 1, line 2, strike out the words, "the Printing Committees of the Senate and House of Representatives are," and insert in lieu thereof the words, "the Governor of the State is."

Senator Piner moved that the Senate concur in the amendments of the House.

Lost by the following vote:

YEAS—Senators Blassingame, Crain, Douglass, Edwards, Grace, Henry J. R., Henry F. M., Ledbetter, Moore, Piner, Smith, Stephens, Wortham—13.

NAYS—Senators Ball, Brady, Brown, Burton, Carroll, Francis, Ford, Guy, Hobby, Martin, McLeary, McCormick, McCulloch, Motley, Ripetoe, Terrell, Storey, Thompson—18.

Senator Carroll moved to reconsider the vote just taken, which was carried by the following vote:

YEAS—Senators Blassingame, Burton, Carroll, Crain, Douglass, Edwards, Francis, Ford, Grace, Guy, Henry J. R., Henry F. M., Ledbetter, Martin, Moore, Piner, Smith, Stephens, Wortham—19.

NAYS—Senators Ball, Brown, Hobby, McLeary, McCormick, McCulloch, Motley, Ripetoe, Storey, Terrell, Thompson—11.

The amendments of the House were then concurred in.

By leave, Senator Storey offered the following joint resolution, amending Section 6, Article 4, of the Constitution of the State of Texas.

SECTION 1. *Be it resolved by the Legislature of the State of Texas, That* Section 6, Article 4, of the Constitution of the State of Texas be amended so as hereafter to read as follows:

Article 4, Section 6: "During the time he holds the office of Governor he shall not hold any other office, civil, military or corporate; nor shall he practice any profession and receive compensation, reward, fee, or the promise thereof, for the same; nor receive any salary, reward or compensation, or the promise thereof, from any person or corporation for any service rendered or performed during the time he is Governor; or to be thereafter rendered or performed; nor shall he be eligible during his term of office to be elected by the Legislature to any office whatever."

Read first time and referred to Committee on Constitutional Amendments.

On motion of Senator Crain, the Senate adjourned until to-morrow morning at 10 o'clock.